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SAMUEL HOAR

MEMOIR
OF
SAMUEL HOAR

SEPTEMBER 27, 1845—APRIL 11, 1904

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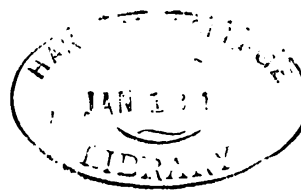

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SAMUEL HOAR

THE usual autobiography, written in 1867, for the records of his college class tells briefly the story of the first twenty-two years of the life of Samuel Hoar.

"I was born," he writes, "on the twenty-seventh of September, 1845, in Concord, Massachusetts, a small town about eighteen miles northwest of Boston. I am the eldest son of Ebenezer Rockwood and Caroline Downes (Brooks) Hoar. . . . In the direct line of my family name the following is my pedigree: —

"Ebenezer Rockwood Hoar married Caroline Downes Brooks; he was the second child and eldest son of Hon. Samuel Hoar of Concord, who married in 1812 Sarah Sherman, daughter of Roger Sherman of Connecticut, who was one of the signers of the Declaration of Independence. Samuel Hoar was the third of ten children of Samuel and Susanna (Pierce) Hoar of Lincoln, who was the first son by his second wife, Elizabeth Coolidge,

of John Hoar, who was the son of Lieutenant Daniel and Sarah (Jones) Hoar, the son of Daniel and Mary (Stratton) Hoar. His father was John Hoar, a lawyer 'distinguished for his bold independent mind and action,' who was the youngest son of Mrs. Joanna Hoar, the wife of a wealthy banker of London, who died in 1661, shortly after coming to this country. Of my direct ancestors on my father's side my father and grandfather are the only graduates of Harvard College.

"After passing through a very precocious childhood, the full particulars of which can at any time be learned from my paternal aunt, Miss Elizabeth Hoar, and after having been ejected from the various primary and elementary schools to which parental anxiety had committed me, I entered in 1856 a private school in Concord kept by Mr. F. B. Sanborn (Harvard College, 1855). In this school I remained, not exhibiting any particular brilliancy or devotedness to study, until July, 1862."

His narrative may be interrupted here to add some incidents which he has omitted. On Sunday, November 5, 1848, his mother being away from home, Judge Hoar wrote

to her: "Gen. Tom Thumb visited Concord in full glory on Wednesday and held three levees — two in the daytime, and one in the evening. Sammy went in the afternoon, and went up on the stage, and shook hands with him, and enjoyed it highly. Tom Thumb's head came about to Sammy's mouth." Again, on Sunday, the twenty-fifth of February, 1849, Sammy "has been to meeting all day to-day — in the morning with me, and in the afternoon with his grandfather — the pair presenting a noticeable contrast, especially as to length of legs, as they walked down the street under the same umbrella. Six feet two and two feet six. . . . Sammy had a prodigious frolic with his grandfather and 'Mr. Papa' at dusk, and was very much excited and elated; but when bedtime came had become so much tired that he felt contrary — and on being asked by Grandpapa Brooks to kiss him and say good-night — said 'No. Ba' shall kiss *Aunty*.' And on my telling him 'Sammy, say "good-night, grandpapa"' — turned his back upon me, and remarked with some emphasis, '*Ba' will tink of it;*' which caused an acceleration of his thought on my part which brought out the 'good-

night, grandpapa' with a jerk. But he went to bed at last reconciled and amiable."

On the occasion of the death of Samuel's rabbit his Aunt Elizabeth, realizing that this was his first experience of death, said to him: "Samuel, I am very sorry to hear that you have lost your rabbit." "Yes, ma'am," he answered, "I have got it in my pocket taking it down town to be skun."

Mr. Sanborn's school succeeded the Academy formerly on Academy Lane, and was kept in a schoolhouse on the north side of the Sudbury Road, afterward used for a public school and known as the Intermediate Schoolhouse, and in rooms in the house now standing immediately west of the high school on the other side of the road. The Stow lot where the high school now stands was the playground. Girls and boys came to this school from all parts of Massachusetts, and from other states, Kentucky, Maryland, Pennsylvania, and New Hampshire; children of slaveholders, of abolitionists, of Swedenborgians, of Quakers, of farmers from adjoining towns, of parents who had traveled all over the world. Mr. Sanborn was a disciple of Theodore Parker, who was then anathema

even to the Unitarians. He was also an extreme abolitionist, and the attempt on April 3, 1860, to abduct him was made in front of this house. Hot discussions about slavery and its abolition took place in the school. But through it all Mr. Sanborn kept his hold upon his scholars, and the influence of the school and of the acquaintances and friendships made there has been widespread and enduring.

Educated in this school, Sam spent his boyhood in a Concord essentially different from the town of the present. Its fields and woods and hills, its rivers and ponds, belonged to the boys. There were fewer streets and houses and people to interfere with them. On the other hand, the observance of Saturday night and Sunday was rigid and irksome. Senator Hoar says of the social atmosphere of the town then, "that there never was in the world a better example of a pure and beautiful democracy, in the highest sense of the term, than the town of Concord from 1826 to the close of the war. . . . There was little wealth and little poverty. There were no costly dwellings and no hovels. . . . The richest man in town took an interest in the affairs of the

poorest, as in those of a kinsman. It never occurred to the poorest that he must, for that reason, doff his hat to any man."

The games then played were football, hockey, and cricket, and, to a less extent, base-ball; but none of these were so much in favor then as now, and Sam cared less for them than did his mates. He preferred independent action, mischief and pranks of all sorts, and was fond of the woods and the river, of walking, riding, and rowing. His brother Charley writes of him: "I remember that he taught me, at the early age of seven, to swim by the simple process of carrying me, struggling and screaming in his arms, out into water over my head and turning me loose to get out the best I could, of course with a watchful eye to see that I came to no serious harm. . . . He was a collector of birds' eggs, and knew as well as Thoreau where they could be found, and no crow's or hawk's nest was too high for him to visit. He could bear pain himself rather than give pain to others. . . . The Concord River was our playground, and I have rowed him hundreds of miles fishing for pickerel and hornpout and frogs. We knew every cove and current, and on one occasion

went down the Concord and Merrimack to Newburyport. Sam was also a good horseman, which I never was, and I recall how he once took a vicious stallion that a livery man would let any one take who would ride him, free, and after a thirty mile ride brought him back well lathered and comparatively tamed."

Summer vacations seem to have been spent in work. From letters to his father and to one of his sisters, written in 1858, it appears that he spent that summer with his Uncle and Aunt Tuttle in Acton, haying, churning, swimming in Nagog Pond, picking huckleberries, and doing the work of a boy on a farm. In 1859 he is similarly occupied on the farm of his father's cousin, Charles Tarbell, in Lincoln, and writes to his father, on July 29th, "I go for the cows every night and in the afternoon I spread, turn, and rake hay. This afternoon I am going to rake hay with a horse rake. I ride the horse and Uncle Charles holds the rake." On August 7th he writes to a sister who is in Worcester: "I am having a much better time here than I did at Acton, partly on account of the boys that there are here and because I get here Five Dollars a month instead of four. . . . I

do not think of anything that could be got cheaper that would satisfy us both, that is Charley and me, than that you should give me ten cents and I will give you a dove I have got which you can give to Charley. I think he would like it very much. I should. If I think of anything better I will tell you when I see you next. If I were you I would not get anything in Worcester for us."

In his youth Sam was skillful in handicraft. He could use any tool. He could pick any lock. He could take a clock to pieces and put it together again in working order as well as a trained workman, and kept the family's parlor clock running for years after it had been given up as hopeless by a Boston clockmaker. He could sew, knit, crochet, cut and make doll's clothes as well as a woman. These things he did for occupation and amusement and incidentally to earn pocket money, on one occasion re-upholstering and re-covering a whole set of parlor furniture. Later in life, in his early housekeeping, he went down to the kitchen after midnight and found the floor flooded with water which had escaped by a leak in the boiler. He heated the poker, melted off some superfluous solder from the

laundry tubs, mended the boiler and mopped up the floor, without disturbing any member of the household.

The autobiography, which we left in July, 1862, goes on with a brief history of his eleven months at the war. "The Rebellion being then under full headway and frequent calls being made for troops, I joined a militia company in Concord which was ordered out soon after. But our ardor was somewhat dampened by the information (after waiting in Faneuil Hall in Boston for two or three days) that our services were not longer needed. Determined not to be put off in this way, I left home and enlisted in a Maine regiment then forming at Portland. From this regiment I was removed at my father's request and joined Company E, 48th Regt. Mass. Militia, which left Massachusetts, after two months' camp duty, on the twenty-seventh of December, 1862. We went to New York, and from there by transport to New Orleans, at which place we arrived after thirty-six days' voyage. We did camp duty at Baton Rouge for two or three months and then laid siege to Port Hudson, about twenty-five miles up the river. I was present at and took part in two assaults

on this fort and witnessed the bravery and fortitude of the colored troops, then used for the first time. Port Hudson surrendered on the eighth of July, 1863, and we were ordered to Donaldsonville about forty miles down the river. During a fight at the latter place I was sunstruck and was soon after attacked by malarial fever, which seriously endangered my life. Recovering, however, from this, I returned home, arriving in Boston on the eighteenth of August, weighing fifty pounds less than when I left it eight months before. So much I freely gave to assist in crushing the Rebellion."

When Sam left home to enlist at Portland, he went with Bob Higginson, a schoolmate at Sanborn's school, and neither consulted his family before going. Nathaniel Hawthorne saw Sam on the street in Portland and reported him to his father. Stephen Higginson, Bob's father, and Edward S. Hoar, Sam's uncle, hastened to Portland and found the boys taking their ease on the hotel piazza and hoping to leave with their company the next day. Sam was then transferred to the 48th Massachusetts. According to the state records, Corporal Samuel Hoar enlisted

September 10, 1862, was mustered into the service of the United States September 19, 1862, and was mustered out September 3, 1863. The 48th Regiment had the reputation of being a rough regiment, and as Sam wrote to his uncle, George M. Brooks, "went out with nobody caring enough about it to see it off and with a guard at the door of each car."

In a little black pocket diary for 1863, his "war diary," kept in pencil, and in many letters written home from camp and carefully preserved, is to be found a much more detailed account of the experiences of this period than the class life contains. All through the diary and letters appears his interest in creatures and flowers. On one page is the entry: "Wild peach blows pressed on this leaf." He records the beauty of violets, the finding of a mockingbird's nest, and of the eggs of the turtle dove. He sees crow blackbirds and turkey buzzards and chameleons and hears the coons barking in the night like dogs. He writes that "it is hard to see 'coons' and all kinds of game and not be allowed to shoot them." On the voyage south he saw Mother Carey's chickens, porpoises, flying fish, sharks,

and dolphins, the bay alive with ducks, coots, and many sea fowl. That the family sense of humor helped him is exemplified by this entry: "Graveyard, Baton Rouge, La., March 20th, 1863. 'Here lies the body of David Jones. His last words were "I die a Christian and a Democrat."'"

On January 30, 1863, Sam writes to one of his sisters from South West Pass, Mississippi River, on board ship Constellation, that he had not been seasick at all, but that the food had been poor, that all of them were covered with small sores, and five had died from ship fever. On February 3 they landed at Baton Rouge, and on the 13th he writes from Camp Banks, Baton Rouge: "I wish everybody would write and tell me all little pieces of home news; how many prisoners there are in jail, how many flocks of geese have flown over, etc., etc., etc." From the same camp, on the 21st he writes to his father: "You, who are so delighted at hearing a catbird sing, would be much more so to hear the mockingbirds which are so common here in Louisiana." Again from the same camp he writes to one of his sisters on the 22d: "To-day is Sunday, Washington's birthday,

and all around is quiet, everybody either writing, reading, or sewing, and the birds singing with as much zeal as in the spring at home. Picture to yourself a camp of about seventy-five tents located on the southwestern side of a wood, the trees in which are covered with a beautiful and curious moss, and where birds are singing, mockingbirds whose notes rival anything we have at home, thrushes, red birds, and woodpeckers, singing and flying about all the day long, and you can perhaps get some idea of the place in which I am situated for the present. I am writing in a Sibley Tent (where eighteen men are quartered) sitting on the floor, two men are shaving, . . . others are reading the papers which were sent to me (and which by the way have been through the hands of about fifty men), others cleaning guns and mending clothes. I was never better satisfied in my life than I am now both with quarters and mode of life. It is true that our food is neither of the best quality nor is the quantity as much as one would eat at home, but it is substantial and the only food that government can provide." On April 2d, he writes that the sergeants are sick and he is acting as sergeant, and adds

that cayenne is welcome as a remedy for shakes or swamp fever. On April 16th, he writes to his father and mother, still from Baton Rouge: "I believe they have decided to give no warrants to any non-commissioned officers in this regiment, and I find that very few in any regiment have them. I am more reconciled, but I still continue to act as sergeant." On April 22d, dating his letter "On Picket outside of Baton Rouge," he writes to his Aunt Elizabeth: "I am glad to hear that government is going to work in the right manner by raising negro regiments. I should like to go as an officer in one. My opinion is that the only way to put a stop to this war is to free all the negroes and have them do their share of the fighting. There is no question but that the negro will fight, and a great many will go voluntarily if a chance is given them. Why not give them the chance?" On the 29th he writes: "Auntie would not like to live in this part of the country on account of lizards and s–k–s which abound in the most frightful profusion." Having moved up the river toward Port Hudson, the diary tells us that on May 21st they "started at six o'clock and marched six miles and had

a skirmish. . . . Were under fire an hour. Were on picket duty all night, no sleep. Firing very sharp." On May 27th, first battle. "Ordered to front and laid till noon. Charged on the intrenchments under a terrible fire, and laid for four hours almost on the enemy's works. Lost good many men." On May 28th, "Went to hospital to help wounded. Burying the dead all afternoon." On May 29th, "Firing on both sides very frequent. Ordered to support battery. Laid in mud all night." On June 1st, "On picket within sight of Port Hudson. Could see Rebs from a tree, see them work their large gun. Lived on blackberries. Heavy firing during the night; a few musket balls come near us."

On June 12th, "Before Port Hudson," he writes his father and mother acknowledging the receipt of pencils from Miss Sophia Thoreau, of pickles, gingerbread, novels, chocolate, jelly, prepared milk, and raspberry vinegar. In this letter he says: "We have all of us now got used to the sound of guns and the smell of powder. . . . At first the sharp ring of the rifled fieldpieces and the roar of the mortars, together with the bursting of shells in every direction, kept me awake

nights, but now I can lie down on the bare ground with nothing but my rubber blanket over me and sleep very sound."

On June 14th, the second attempt was made to carry the works at Port Hudson by storm, and on the 16th Judge Hoar writes from Concord to George F. Hoar: "We had a grand letter from Sam last night. He was in both the Port Hudson fights — was not in the part of the regiment that ran on the 21st — marched over the field of a quarter of a mile of felled trees up to the line of the intrenchments — Balaklava fashion — the next man to him had his head carried off by a cannon-ball. He had no expectation of coming out alive — and had a pretty narrow chance. He is acting as orderly sergeant of his company — thinks he has everything to do — gets little to eat or drink — and not much sleep — but is perfectly well — and unhurt — Laus Deo!"

On June 30th, "Near Port Hudson," he writes to his father that he has been suffering from a slight fever turn for a week but has recovered; that for the last thirty-eight days there has been cannon fire on Port Hudson almost every hour, day and night,

and that his regiment was within fifty yards of the fortifications and was much weakened from fighting and exposure, his brigade being on the centre.

On July 5th, "Before Port Hudson," he writes his brother Charley: "I am glad to hear such good accounts from your doves and should advise you to set a trap for Mrs. Cheney's cat. It is the only way to get rid of such pests now Jack is gone." His brother writes concerning Jack: "He and his terrier dog Jack were terrors to all the cats in the neighborhood. When he went to Maine to enlist, he did not take me into his confidence for obvious reasons, but he commended to me the care of Jack. Later when I visited him in camp in Readville just before he left for the South in the 48th Mass. Regiment, his last requests were that I should care for Jack. Poor Jack was disconsolate and howled night and day when tied up, and followed any soldier in blue when loose, and finally took up with the Concord Company, went with them to New York, and was there lost."

Three days after the surrender of Port Hudson Sam was ordered from Donaldson-

ville to Baton Rouge to recruit. Two days later, July 13th, he was "pretty sick;" on the 15th he was "worse;" on the 18th the entry is "I am failing;" and then there are no entries until August 1st, when he was getting better. A few days after, he was invalided home with another corporal, Aaron Low of Hingham, as their only chance for life. Low was a dozen years his senior, and they had been close friends from the time they first met in Company E, bunking together on the way out. They never got so far away from each other on the way home but that they could get hold of hands to keep from being separated. Twenty-six men died on the six days' voyage home, but these two pulled through and Low still lives to tell the story and to testify to a constant friendship ever after.

The autobiography proceeds: "Having recovered my health I set about studying for admission to college. . . . I entered this Class (1867) in 1864 as a fresh sophomore, and during that year chummed with G. C. Mann, rooming in 14 Hollis. Early this year I was elected into the Institute of 1770, of which society I was afterwards secretary. In

the Junior year I roomed in Hollis 12, chumming as before with G. C. Mann. In the latter part of this year I was elected into the Hasty Pudding Club. In this society I successively held the offices of Librarian, Vice-President, and President. During the Senior year I have chummed with Frederick Eugene Claghorn Bryant of New Bedford and with him have occupied Holworthy 21. During my college course I have had no college honors, deturs or the like. . . . My literary productions have been limited to a lecture on 'Military Experiences' delivered in the winter of 1865 before the Concord Lyceum, which, it is needless here to remark, was received with tumultuous applause. I have during my life met with the usual hairbreadth escapes from drowning and the like, none of which, however, have injured my health, which I am happy to say is of the best. . . . My religious views are not yet fully developed, and as for politics I voted the Republican ticket at the last election. It is my intention to study law after leaving college." Sam had thought seriously of medicine as his profession, but from this time devoted himself to the law.

Sam's friendship with George Mann, now head-master of the Jamaica Plain High School, began at Sanborn's school; they tutored together with Ephraim W. Gurney in a room in College House and entered college together as fresh sophomores. There was a warm affection between them, although Mann was studious and belonged to no societies, while Sam was not studious and belonged to all the societies. Another classmate has said of him that he was then, as ever, active in mind, strong in character, decided in opinion, and intolerant of every mean action and low motive; that he enjoyed life intensely, and was throughout his whole college course a leader in all pranks and sports of college life; that he also had, in more than full measure, the honors which come to a student from the votes of his fellows. In the presidential campaign of 1864 he drove out to Concord one night with his classmate, Frank Stearns, and secured a Democratic flag which was out on the store of Charley B. Davis, getting back with it at three o'clock the next morning. He and his classmate Clement K. Fay, both masters of repartee, sat at the same table, and the en-

counters of wit and readiness between them are well remembered. On January 6, 1866, Sam writes to his father from Cambridge: "I omitted to come up to the station at Porter's, as I had agreed to do, because I was passing through the initiation to get into the 'Hasty Pudding Club,' which is a literary one and very severe. I had to work all my spare time for a week and to sit up every night till nearly morning. One thing I had to write was an essay of twenty-five pages on 'The Influence of Crusades on the Civilization of Europe' without any reference to or use of books, and at the same time that all this was going on to get perfectly all my regular college exercises. So you see that it was impossible for me to come up. . . . My health is very good, although I am somewhat exhausted by what I have had to go through this week. However, a good night's sleep, now it is all over, will make me all right." Part of the initiation to the Pudding in 1866 consisted in persuading the candidate that the ceremonies would have a serious and literary character, and would be honored by the presence of Robert C. Winthrop and other distinguished ex-members of the Pudding.

Candidates were warned that mischievous members would try to snatch away the all important essay and that it must be firmly held. This was so successfully done that candidates, as they sat waiting in the anteroom, heard the carriages rolling up with the distinguished guests, and not until, as they were led in blindfolded, the cherished essay was taken from them and torn into bits, did they realize that they were indeed in the hands of their friends.

After graduation from college the more serious work of his life began. He studied law in Worcester in the office of his uncle, George F. Hoar, from July 27, 1867, to October, 1868. At the time P. Emory Aldrich, afterward for many years a justice of the Superior Court, was in active practice at the bar, and, a somewhat abrupt and unapproachable man, was in the habit of trying his cases without the assistance of any junior or clerk. Sam, being in a hurry to get on, volunteered to take notes of the testimony for Aldrich and gained experience in that way. From October 1, 1868, to March 4, 1869, he was pardon clerk in the office of William M. Evarts, Attorney-General of the

United States under Johnson. Moorfield Storey, of the class of 1866, was then Senator Sumner's private secretary, and Sam saw much of him. Early in 1869 he became engaged to Kate Wise of Baltimore, an intimate friend of the lady who afterward became Mrs. Storey. From March 10, 1869, until July of the same year he retained the position of pardon clerk in the office of his father, who succeeded Mr. Evarts. In July, 1869, Judge Hoar writes to his wife from Washington: "Well, I am happy to think that vivacious boy Sam has been enjoying the sea breezes for the past two days and will have cheered you all up by the time this letter reaches you. He has been a great comfort to me and it seems already lonesome without him."

On September 13, 1869, Sam entered the Harvard Law School, where he studied one year. It was about this time that he took a trip down the Concord and Merrimack rivers to the sea with George C. Mann and Edward J. Bartlett. They found the gate closed at the canal at Lawrence, it being the noon hour. Sam asserted that it must be opened to them because the stream was a navigable waterway of the United States and it was unlawful to obstruct

their passage. Either this argument or the good nature of the gate-keeper prevailed and he let them through. Farther along a fisherman hailed Sam by name. Sam said, "That is the man who was turning back at Port Hudson and I took him by the shoulders and shoved him back into the fight." This was Charley Hoar's senior year in college and Sam used to read to him in their "attic room his preparation of cases, to try them on and see how they would sound." Mann was in the Law School at the same time, and, having occasion to argue a case in the Moot Court, closed his argument by saying: "But the precedents are all the other way." Sam's comment was: "I thought you were getting along all right until you made that last remark." In a letter in December, 1869, to Judge Hoar, Emory Washburn, then professor at the Law School, says: "We have just got through with the best Moot Court we have had this term. Samuel and Collins of Boston had the leading parts. Samuel made a capital argument. He is a chip of the old block. I will indorse his success for a sixpence." And the Judge writes from Washington to his wife: "The note from Gov.

Washburn was not disagreeable to receive and I dare say you will be injudicious enough to show it to Kate and Sam. I always expected Sam would be as *good* as his father — but had doubts about his turning out as smart, or as handsome."

On October 12, 1871, he married Miss Wise at Baltimore, and they set up housekeeping in Concord, in the easterly half of the house next west of Judge Hoar's. Twenty-six years old, with a wife to whom he was devoted, his duty as a soldier well done, his professional work full of promise, Sam's prospect for the future seemed bright. But his wife became an invalid, and after some years of suffering, which she bore with great patience and bravery, died February 3, 1877. Nothing could exceed Sam's care for her, and her death was a staggering blow to him. He immediately made a journey across the continent, visiting his brother Charley at the ranch in California for some weeks, and enjoying the quiet and the hunting and riding. Upon his return he took up again the work of his profession and the many duties of his life.

From about this time dates his activity in the affairs of his native town which continued

until his death. He was a regular and constant attendant at the Unitarian Church from early childhood during his life, a firm believer in the good to the community resulting from religious worship, and a liberal supporter of the church and its ministers. One of the original members of the Tuesday Club, he continued a member from its organization in 1879 until, in 1895, he, with the other members of that club, was elected into the Social Circle, and the Tuesday Club was discontinued. He remained ever loyal to the ties of friendship formed in his early days, and refused to recognize social grades when such ties were threatened by them, responding to one who criticised a neighbor as a "countryman" and not of his own social rank, that the man had long been his close and intimate friend and he did not care to hear any reflections upon him. The first appearance of his name in the annual town reports is in that of 1863 where he is enrolled among the soldiers of Concord as Corporal, 48th Massachusetts Volunteers. The next is in the report of 1876 when, as member and secretary of the Committee on the One Hundredth Anniversary of the Concord Fight, he joins

in the report of that committee. He entered into all the details of the work of this celebration with enthusiasm and efficiency, and for months it was the chief subject of his thought and conversation. Chairman of the executive committee of the War Committee during the Spanish war, on May 6, 1898, when the Concord Company were drawn up on the Common, under the flagstaff, ready to march away, he briefly addressed them with affectionate words of advice, encouragement and proud approval. For sixteen years he served the town as water commissioner, being chairman of the board for most of that time. He was chairman of the selectmen and a member of the board of health for two years. A trustee of town donations during nineteen years, he was president of that board the last three years of his service. For ten years he was president of The Concord Free Public Library, presiding at the quarterly meeting of that corporation on the evening of Saturday, March 26, 1904, as his last public service, for he was stricken with fatal illness on the following Monday morning. When the office of Tree Warden was created, he was the first to hold it and was elected for

five successive years. He took great pleasure in spending his spare time, early in the morning or at the end of the day, driving about, inspecting and caring for our trees. He was on innumerable committees, both town and parish. He was a member of the corporations of the Concord Antiquarian Society and of Concord's Home for the Aged, and the president of the latter. He served as president of The Middlesex Institution for Savings. The Library, the Parish, the Home for the Aged, the Shade Tree Fund, the Unitarian Association and Harvard College each received gifts under his will, and contingent legacies were left to the Antiquarian Society and to the Silent Poor of Concord. He frequently did duty as moderator of the town meetings, but his best service at these meetings was from the floor. Earnest, definite, clear and forcible in debate, from his early manhood he wielded great influence, and in his later years, by his conservative views, his skill and quickness of thought, his good-tempered and humorous methods of debate, his ability in harmonizing conflicting opinions, his honesty of purpose and his public spirit, he so gained the confidence of his townsmen as to determine, in

great measure, their action. It was said of him, by an opponent, that he played upon the feelings and judgment of his townsmen as a skillful musician upon an instrument. He advised the town and its officers, tried its cases in court and watched over its interests in the General Court, freely and unstintingly, without pay and without price. The offices which he held, almost without exception, were those to which much labor and responsibility were attached and no compensation but the sense of duty done. And all this was under great stress of professional work and of public service in larger fields. He so esteemed the local honors given by his townsmen, that in his reports to the Secretary of his College class he includes them on an equal footing with other honors commonly thought of greater value.

On October 20, 1886, he married Helen Putnam Wadleigh of Boston, daughter of Bainbridge Wadleigh, then recently United States Senator from New Hampshire. The happiness of his married life is too fresh in our memory to call for or to permit extended comment. With his wife and their two boys he enjoyed his home, his town, and the adjoining country for miles around, with all of

which he was familiar. He sympathized with his boys in their sports, joined them in riding, boating, and swimming, was interested in the pigeons, coons, squirrels, owls, crows, snakes, and foxes which were their pets, and taught them to believe, as he believed, that Concord was the best spot on this earth in which to live. He enjoyed entertaining his friends at his table, and, with Mrs. Hoar, extended a kind and generous hospitality to their family and friends, to newcomers and to those who came on public occasions as the town's guests.

Fond of travel, he had made a trip through the Southern States in 1882, to England in 1883, and to Europe in 1886. In 1890 he went across this continent on the Canadian Pacific Railroad, narrowly escaping death from a derailment on the Union Pacific Railroad on his way home. One of the party on this trip was Mr. William Bliss. Judge Hoar, on hearing of the accident, told Sam that he had come near following the words of the old hymn by going from earthly Bliss to endless bliss above; but Sam considered the occasion too serious for such levity. With Mrs. Hoar he went to Cuba in 1891 and later the same year to England. In 1899, made

ill by the death of his brother Sherman, he took a winter trip with Mrs. Hoar to Egypt, Greece, and Italy, and in 1901 went with her to England. In the intervals their summers were spent at Northeast Harbor, York Harbor, or Falmouth, and their winters occasionally in Boston.

In June, 1870, Sam was admitted to practice before the state courts, and began the work of his profession in his father's office at 5 Pemberton Square in Boston. For two years after his admission to the bar he was clerk to the Suffolk district attorney, J. Wilder May, the assistant attorney being Moorfield Storey. In 1871 he became a member of the bar of the Circuit Court of the United States, and in 1890 of that of the United States Supreme Court. He continued in general practice until October, 1887, when he succeeded Judge Soule as general counsel of The Boston and Albany Railroad Company, and as one of the directors of that corporation. He then divided his time between the railroad office and his private office. Upon his father's death, in 1895, Sherman became associated with Sam at 5 Pemberton Square and afterward at 5 Tremont Street. After Sherman's death Sam

discontinued his private office and, outside of railroad cases, accepted only the more important matters in which his services were sought. He continued to be general counsel of The Boston and Albany Railroad Company until his death, but after the lease from that company to The New York Central and Hudson River Railroad Company, in 1900, the duties of that office were comparatively few. After the lease he was counsel for the lessee in all matters relating to the leased road. In 1896 he became trustee, vice chairman, and general counsel of The Boston Terminal Company, the corporation which built and operates the new terminal station for the railroads entering Boston from the south.

Very early in his professional career he became known as a safe adviser and excellent trial lawyer in Middlesex and Suffolk counties, entering boldly and with success into cases where his opponents were old and tried veterans of the bar; an ally of value and an antagonist to be feared. He had the legal instinct, an inherited knowledge of the law. He had also a remarkable foresight into what human beings would do. The witness who faced his cross-examination with anything but

the facts ran a serious risk. One woman, who hoped to conceal the fact that she had herself written one of the papers in the case, stood upon the witness stand with a small bag, such as women carry, hanging by her side. "Is this paper in your handwriting?" Sam asked. "I can't read it," she said. "Can't read it?" he asked. "No," she said, "I can't see without my glasses." "Will you put your hand in your bag and take out your glasses and put them on, and then tell us whether this paper was written by you?" She slowly put her hand into the bag, produced the glasses, and admitted that she had written the paper. At another trial a plaintiff was seeking damages because of a fall while going down the steps of a car, which she said were slippery. During her direct examination by her counsel, Sam walked across in front of the jury to a place behind the witness from which he could see the heels of her boots. When his turn came to cross-examine he asked her what sort of shoes she had on at the time of the accident. "The same kind that I have on now," she said. "And the same sort of heels?" he asked. "Yes," she answered. "Will you please show them to the

jury?" She did so, and they were trodden over so that their condition would fully account for a fall. The jury's verdict was against her.

The family sense of humor was strong in him and relieved the strain, a good story often enlivening a consultation or helping the situation after a defeat. During a long controversy in settling the affairs of an insolvent concern, he was opposed by a lawyer whose habit it was to file long briefs upon every question of law that arose, until the receipt of such a brief became almost a daily occurrence. Litigation had arisen in a neighboring State, and as the counsel on both sides went from the hotel to the court-house one morning Sam said to his opponent: "I had a very strange dream last night. After a long journey we reached the gate of heaven and knocked. Saint Peter refused to open, and I was about to ask the reason when you pushed by me, drew a large roll of paper from your pocket and tendered it to the Saint as your argument upon the matter of our admission; and immediately pulling another from another pocket offered it as a supplemental brief to the point that the relations between the Saint

and Saint Paul, while on earth, were not above suspicion."

The old rivalry of repartee between Clement K. Fay and Mr. Hoar was renewed at a hearing before the Norfolk County Commissioners, when a man named Rich was seeking land damages from the Railroad Company, and Fay opened for the petitioner with the customary allusion to the riches of the corporation. "You forget, Brother Fay," was the quick retort, "that this time the Riches are on the side of your client."

His mind was stored with pithy sayings, which were of daily use. He would solemnly reassure a jury, whose duty it was to listen to his argument for the allotted hour, by the information that, though an hour might be tedious, it could not be long. Should a judge disappoint him by failing to comprehend a case, his comment would be: "You know we have this treasure in earthen vessels." To bestow information upon an adversary, was to "give the cat the cream to keep." His rule "not to blow out your candle until you have your hand on your nightcap" was illustrated at the expense of the ticket-seller at the South Station on the Elevated Rail-

way. Sam noticed that the ticket came out from behind the grating before the nickel got fairly in. So he tried the experiment of making the motion of passing in the coin but retaining his hold on it, and succeeded in getting his ticket without parting with his money, much to the surprise of the man behind the bars.

The love of mischief, which lasted him through life, showed itself in a railroad case before the full bench of the Supreme Court, in which Judge Lowell and Judge Emmons were senior and junior counsel on the other side. It was a complicated real property case, and Judge Emmons opened for the plaintiff. Judge Lowell was to close. Mr. Hoar and his junior had arranged to divide their brief between them, Mr. Hoar to close for the defendant. Following a whispered instruction from Mr. Hoar, his junior presented the whole case for their side, and Mr. Hoar rose only to say that he had nothing to add. The Court looked surprised, and Judge Lowell closed very briefly and without his usual vigor. As they left the court-room Mr. Hoar said to his associate: "Didn't that work well? I saw that Lowell was not following

your argument. He intended to answer me, and my silence left him in a quandary."

Of the many important cases with which he was connected in his private practice, perhaps the most important were the suit of Charles W. Clement against the British American Assurance Company, in 1885, to recover for heavy damage by fire to merchandise of the plaintiff, and the prolonged litigation between the Boston Belting Company and the city of Boston, which began in 1886, was three times before the Supreme Court, and only terminated just before his death. The Clement case involved important questions in the law of fire insurance, and was tried for many days before Judge Holmes and a jury. Judge Hoar was senior counsel for the plaintiff, but was taken ill toward the close of the trial, and the burden of making the closing argument to the jury was thrown suddenly upon Sam, and sustained by him with complete success. The Belting Company's case involved the claims of that company against the city for damages resulting from alterations in the channel of Stony Brook, and raised many interesting questions of law and practice. At the outset Judge Hoar and William

G. Russell were senior counsel for the plaintiffs, with Sam as their junior. Afterward Sam was senior, with first his brother Sherman, and then Charles A. Williams, as his junior.

The many questions affecting the railroad company before the legislature, in the courts, before the Interstate Commerce Commission, and before the local tribunals which dealt with the railroad right of way, furnished a large opportunity for legal effort and achievement, and no matter what the pressure, Mr. Hoar was ready for each emergency as it arose. He tried case after case brought for personal injuries before juries in all the counties along the road as far west as Hampden, with success extraordinary in this class of cases, so difficult for the defendant's counsel, and with a courage and perseverance that would never recognize defeat. His preparation of cases was thorough and exhaustive, no detail escaping attention, but he allowed no preconceived theory to interfere with the constant development of his attack or defense as the trial proceeded, until the fight was fought through. His intimate knowledge of town law and of the methods of town government

was of great use to his client in the work of abolishing grade crossings which went on all through the term of his railroad work, and in other questions continually arising between the railroad company and the towns along its line. He gained the confidence of members and committees of the Legislature by his honesty, his definiteness and his regard for the public good. It has been said elsewhere, with justice, that his wisdom in devising measures advantageous to his clients, with a due regard for the public good, deserved great commendation. Among the many legislative battles which he fought during eighteen years two stand out as worth special mention. In 1889 he carried through an act permitting the railroad company to increase its capital stock, guiding it safely by the obstacles which attend the attempt of a large corporation to obtain special legislation. And in 1900, against a formidable coalition of honest opponents who could not understand the wisdom of the measure with less scrupulous adversaries who seized on the chance to advance their own interests, he succeeded in obtaining from the General Court the ratification of the lease to The New York

Central and Hudson River Railroad Company, at an expenditure of his physical and nervous force which few fully appreciated. His arguments before the Supreme Court were earnest and forcible, and were always received with attention and respect. His statement of the facts of his case was crammed full of human nature, and appealed with great force to the judges. He watched them as they listened, and, divining what was in their minds from the slightest indication by their question or comment, adapted his argument to their point of view with consummate skill. Of the many railroad cases which he successfully presented to the court, the most important from a lawyer's standpoint was that involving the constitutionality of the interchangeable mileage ticket act of 1892, where the railroad companies, represented by Mr. Hoar and Colonel Benton, prevailed, the act being declared unconstitutional by a divided court.

Had he signified a desire or willingness to accept them he might have had higher honors in the line of corporation work. It has been rumored that he might have been appointed a justice of our Supreme Judicial Court had he sought that honor. The report circulated

a year or more before his death that he was to be appointed a justice of the Supreme Court of the United States had at least this foundation, that he would have been seriously considered for that office had he been ready to state that he was a candidate. He remained "Mr. Hoar" to the end of his days, and that title, spoken with the respect which marked the utterance of it by men of the highest standing in the community who sought his counsel on matters of grave importance, political, religious, educational and personal, or listened to his arguments in town meeting, in committee rooms of the General Court, or in the courts, seemed more distinguished than any other he might have gained.

In addition to his care for his family, to his services to his town, and to his professional labors, came his work in public matters outside the town. He took an active interest in politics all his life. It is probable that he always voted the republican ticket except in 1876, when Judge Hoar ran independently for Congress against General Butler, the regular republican nominee, and in 1884, when he voted for Cleveland, having been a zealous manager of the Mugwump campaign

of that year. In 1878 he was a member of the Republican State Committee. He gave no evidence of desiring political office for himself, and held none, except in 1881, when he was a member of the Massachusetts House of Representatives from the 26th Middlesex District. During that year he served on the Committee on the Judiciary, the Joint Committee on the Library, and the Joint Special Committee on the Revision of the Statutes. He became an editor of the "American Law Review" in 1873 and held the position six years, Moorfield Storey being the other editor during the same period. In 1887 he was elected an Overseer of Harvard College for six years and was reëlected in 1893. In 1894 he was chosen a Fellow and served as one of the Corporation the rest of his life. He was constant in attendance at the fortnightly meetings of this board, although the best part of a business day was consumed by each and pressing professional duties had to be avoided or postponed to enable him to be present. In addition to the work at these meetings, many legal questions were referred to him for advice. Among the most important of these was the tax case determined by

the Supreme Judicial Court in 1900. This case involved the right of Cambridge to tax real estate occupied for the purposes of the College, and it gave Mr. Hoar great satisfaction to obtain a favorable decision. As his last public service was rendered to the Library of his town, so his last effort to render service was made for his college. A meeting of the Corporation was held on Monday, March 28, 1904, and he strove with all his strength to attend it, but without success. It was his pride that no professional service rendered by him to the College should be for pay. The scholarship of the Class of 1867 had its origin in the fact that in 1886 he became entitled to a fee of two thousand dollars for services rendered in relation to the will of Robert Treat Paine, and the payment of this fee went to diminish the amount ultimately to go to Harvard under that will. To avoid this he gave that sum to found the scholarship. At the annual meeting of the Alumni of Harvard in June, 1903, Mr. Hoar was elected president, but did not live to preside the following year. For nineteen years he was one of the trustees of the Massachusetts School for the Feeble-minded, and the presi-

dent of the board for the last two years of this term. His father and grandfather had been trustees of this school. He was a vice-president of the Massachusetts Horticultural Society. His club membership included the Union, Somerset, and Saturday clubs. He had been director and vice-president of the Union Club and was its president when he died. In 1899 he was elected an honorary member of Phi Beta Kappa. He was a vice-president of the Massachusetts Hospital Life Insurance Company. He was a member of the American Unitarian Association, and had been a vice-president of that association. He was a member of the Council of the Middlesex Bar Association and a member of the Council and later vice-president of the Bar Association of the city of Boston.

The feeling with which he took upon himself these varied duties is illustrated in a letter written by him to his brother Charley, January 20, 1901. "The death of our cousin, Dr. George G. Tarbell," he writes, "has added some to my labors, because it has given me the opportunity of repaying the many great kindnesses to me and mine which he has always shown, by looking out for his mother,

aged eighty-five, who is suddenly left without any other person to whom she can turn for counsel and comfort. It has also left me most unexpectedly the executive head of the Massachusetts School for the Feeble-minded, of which he was the president. My life is a busy one. If I work all the rest of it, I cannot hope to meet the great obligations which I owe to my kindred, my town and the College."

Mr. Hoar seemed rugged and strong beyond the usual run of mankind until the death of his brother Sherman, in 1898. He withstood the strain of long jury trials and of still longer contests before the legislature apparently without reaching the limit of his courage and endurance. His brother's death, following less than four years after his father's, was a severe blow to him. He was forced to drop work and rest absolutely for a time. But he took hold again, after a few months of rest, seemingly recuperated. Without warning, at his office desk, on March 28, 1904, came the cerebral hemorrhage which caused his death a fortnight later, on April 11, in his fifty-ninth year.

Much deservedly said in his memory has been preserved in records or in print and

need form no part of this memoir. A few extracts from private letters to Mrs. Hoar should be preserved.

A clergyman writes: "Years ago as I stood in the chancel of St. Paul's Church, Brookline, at the funeral of Clem. Fay, I saw and watched your husband's face — it was set — some would have called it that of an indifferent man; others of even an hard heart. The next day there appeared in the paper a tribute to his classmate Clem. Fay, signed S. H., so tender, so sympathetic and appreciative as to draw tears from even a stranger."

An old family friend writes: "It is not often that we lose those, outside of our own family circles, whose going leaves behind a continuing present sense that one's world is poorer, — that something prized is gone from it; but with me it is so in the case of Sam Hoar. I miss his presence and personality each time I go into the car which takes me to Boston. . . . Even now, I never take my accustomed place without instinctively looking for him."

A friend and associate in town affairs writes: "And so, in his going, I have felt a

personal loss, such — it seems to me — as I could hardly suffer through any man else, not of kin to me."

A younger lawyer writes: "There were many other tributes not included in the book and which could hardly come to your ears, tributes of admiration and respect none the less affectionate because not spoken in public places. The esteem in which a man is held by his fellows is usually best determined by what they say of him in private, and what was said of Mr. Hoar in private constitutes a tribute of affectionate and respectful regard such as is accorded to few men. . . . He was liked by the young men. Such a man never grows old. I thought of him as a contemporary of mine, yet he was in the army when I was born. He *was* a contemporary of mine. My generation claims him as well as his own."

An associate in college government writes: "He constantly comes up to me in thought and he sits next me at the college meetings though his place is empty. You know we always walked to exercises and dinner at Commencement side by side — and he 'll be there to the end of my chapter."

A Concord woman writes: "He seemed to be a battery of good forces from which virtue emanated without consciousness on his part. Wherever he appeared not only the occasion but life itself seemed more worth while. He was a reassuring and sustaining fact, the embodiment of what is strong and stanch and invigorating."

A close friend and business associate writes: "What his eulogists say is all true, but I think none of them lay half enough stress upon his affectionate tenderness, the quality for which those who knew him best loved him most. All men knew his great ability and strength of character, but few the sweetness of his nature."

An enumeration of the events in the life of such a man as Mr. Hoar leaves unsaid what is at once most difficult and most important to say. To consider the many ways in which he entered into the lives of other men is to be impressed with the breadth and depth of his nature. He loved music. He delighted in athletic contest, in the college games of football and baseball. Though not a great reader, he read thoroughly, remembered all he read, and seemed well informed on all

subjects. He was fond of children. The country, its fields and woods, its birds and beasts, its flowers and trees, were dear to him and he knew them intimately and well. He rejoiced in hospitality and was full of wit and story which made his house a pleasant place and enlivened the social clubs which enjoyed his presence. Directly or through the minister of his church he gave aid to many of his townspeople who were in need, and let no other into the secret of his giving.

In his profession he was known as a good fighter. His manner was often brusque, more so in early manhood than in later years, and this made him seem unapproachable to those who knew him little. In the midst of exacting duties he gave his time and attention to the many who called for favor or help, with a generosity and patience well nigh incredible to one not an eye witness. His subordinates knew that they could rely absolutely upon him for kind consideration and hearty support. He was loyal to family, friends, town, church, college, state, and nation; with an unselfish fidelity, not always appreciated, but maintained in face of all obstacles; so that these lost a tower of strength, in losing him.

His sympathetic understanding went out to all with whom he came in contact, if they deserved it, and often when they did not. Whether of high position or low estate, he respected each man for the good that was in him and extended a human charity to his faults. With inexhaustible ingenuity and patience he strove to help those who went wrong and to give them a chance to mend. He watched over the young people of Concord, helping them with kind words, with letters of congratulation and good-will as they graduated from school or college, or got engaged or married, and with more substantial aid when it was needed. He shed few tears over his own troubles, but many can testify to the tender sympathy he felt for them in their times of grief.

His most public expression of himself was his address, as chairman of the meeting, at the services in the meeting-house commemorating the centenary of the birth of Emerson. Few of those who heard him will forget how all the individual and collective feeling of Concord, past and present, seemed merged in what he said. Appointed, in his words, as the mouthpiece of the Social Circle, bade to

speak by voices audible to himself alone, his speech was the fitting culmination of his public speaking, full of promise of future achievement, never to be fulfilled.

We, who knew him well respected, admired and loved him. We rejoice in our memory of him.

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